

REMARKS

The application identified above has been amended in response to an Office Action mailed December 17, 2003. Claims 1, 3-4, 15, 16, 18, 20, 23 and 30, have respectively been amended, and Claims 45-48 have been added, to further emphasize patentably distinguishing features of the invention, as well as to provide Applicants with the full scope of protection to which they deem their invention entitled. Claims 1-24, 29-31 and 45-48 are now pending in the application. Added Claims 45-48 are very similar to Claim 1-4, respectively, except for features discussed hereinafter in regard to Claim 45.

Claims 25-28 and 32-48 have respectively been canceled.

Two of the Applicants, Applicants' attorney and the Examiner discussed the application by phone on May 7, 2004. Applicants, through their attorney, express appreciation to the Examiner for granting this interview and for his helpful comments. A Statement of Substance of the Interview provided by Applicants is enclosed herewith.

In response to a form PTO-948 attached to the Office Action, twenty (20) sheets of corrected drawings, showing FIGS. 1-20, are attached hereto together with a letter to the Official Draftsperson.

Applicants mailed a document entitled Applicants' Response to First Office Action, regarding the above application, to the United States Patent and Trademark Office (USPTO) on February 4, 2003. On November 13, 2003, Applicants filed a document entitled Amendment Pursuant to a Request for Continued Examination regarding the application with the USPTO. Comments and remarks set forth in these documents are incorporated herein by reference.

In the Office Action mailed December 17, 2003 Applicants' Claims 1-18, 20-25 and 27-44 were rejected under 35 USC §103(a), as being obvious in view of a combination either of U.S. Patent No. 6,168,521 to Luciano et al. and U.S. Patent No. 5,830,063 to Byrne, or of U.S. Patent No. 6,332,446 to Yacenda and the Byrne patent. Claims 19, and 26 were rejected under 35 USC §103(a) in view of a combination involving Yacenda, Luciano et al. and Byrne.

In making their invention, as clearly set forth at page 3, lines 6-21, Applicants were concerned with enabling an individual to increase his or her chances of winning a lottery. Applicants recognized that chances of winning could be improved for each individual in a group, if members of the group together created a pool comprising multiple lottery tickets. However, Applicants recognized further that the collective tasks required in order to establish and administer a pool of this type could be very burdensome.

Accordingly, Applicants' invention provides a lottery pooling management system intended to reduce burdens associated with a lottery pool, wherein the pool contains multiple sets of lottery numbers, and multiple pool participants each benefit if any of the sets of numbers is drawn as a winning set. Moreover, Applicants seek to enable pool participants to easily exchange information regarding a lottery, prior to the lottery drawing. Such information may include all sets of numbers that respective pool participants have entered in a particular lottery. This information sharing capability, among other benefits, will tend to avoid subsequent disputes as to whether a set of winning numbers was entered into the lottery by a person acting on his own, or as a member of the pool.

Claim 1, as now amended, recites an important embodiment of Applicants' lottery pooling management system. The system comprises a participant interface, wherein the participant interface *inter alia* is configured to increase the chances for each of a plurality of pool participants to participate together in one or more lottery pools, each lottery pool being associated with a lottery and having a plurality of sets of numbers entered in its associated lottery. The participant interface enables the pool participants to exchange information regarding each of the lotteries prior to the drawing thereof, and further enables each pool participant to be informed of all the sets of lottery numbers that are entered in each of the lotteries prior to the drawing thereof. These features of Claim 1 are disclosed in the application, such as at page 10, lines 14-16 and page 22, lines 3-11.

The system of Claim 1 further comprises a lottery interface and a notification interface, the lottery interface configured *inter alia* to recognize that a winning event has occurred when a given one of the sets of lottery numbers is a winning set for its corresponding lottery. The notification interface is configured *inter alia* to notify each of the

plurality of pool participants, when a winning event occurs, that they are each entitled to share in all amounts that are to be paid out as the result of the given set of lottery numbers being drawn as a winning set.

The Luciano et al. patent is directed to a lottery type of game wherein a single player interacts with the lottery system as an individual. This is emphasized, for example, at column 1, lines 28-31, by disclosing an electronic lottery system, in accordance with the principles of Luciano, that provides for the independent operation of lottery draws for a player. At column 4, lines 1-5 and lines 12-17, Luciano et al. clearly teaches that the term "pool," as used in the Luciano disclosure, refers to a prize pool that is "solely funded by wagers" provided by players of a lottery game. Thus, the Luciano et al. reference is directed to an arrangement wherein an increasing number of players will tend to expand or increase the prize pool. However, in such arrangement the odds or chances of a player will clearly be decreased, as the number of players increases.

The patent to Yacenda discloses a system for facilitating lottery games by making it possible to use a communication system to purchase lottery tickets and to play lottery games at player terminals, column 3, lines 23-26. Yacenda appears to teach a lottery arrangement similar to the arrangement of Luciano et al., that is, a conventional lottery wherein an increasing number of players may increase the amount that can be won, but will also cause the odds of winning to be decreased.

The cited Byrne patent discloses a "collateral" game that accompanies, but is separate from, a principal game such as Keno or the like. As taught in connection with Example 1 of Byrne, if someone is buying tickets to play a standard Keno game, he can also buy one or more shares in a Super Keno jackpot. If anyone playing the standard Keno game wins a standard Keno jackpot, the Super Keno jackpot is divided among the holders of valid shares. In the Byrne arrangement, the standard and Super Keno jackpots are apparently unrelated to each other, except that the standard Keno jackpot, when won by an individual player, causes the Super Keno jackpot to be paid out to the holders of Super Keno shares. This payout does not affect the amount paid to the standard Keno winner. Also, his chances of winning are not increased by the involvement of the Super Keno players. In fact, since they are also

playing the standard Keno game, their involvement may actually reduce the chances for any given individual to win the standard game. It is to be emphasized that the respective examples set forth in Byrne must conventionally have or else must be adapted to have, "winning divisions" or the like, in addition to a main or "standard" single winner event. The additional divisions are essential in order to have collateral games as taught by Byrne.

Applicants consider that Claim 1 as now amended patentably distinguishes over the prior art, including the three cited references, particularly in reciting the following features in the over-all combination of Claim 1:

(1) A participant interface configured to enable pool participants to exchange information regarding each of the lotteries prior to the drawing thereof.

(2) A participant interface further configured to enable each of the pool participants to be informed of all of the sets of lottery numbers that are entered by respective pool participants in each of the lotteries prior to the drawing thereof.

(3) A notification interface configured to notify each of the plurality of pool participants that they are each entitled to share in all amounts that are to be paid out as the result of the given set of lottery numbers being drawn as a winning set.

It is readily apparent that neither Luciano, Yacenda nor Byrne teaches or suggests a participant interface configured to enable multiple pool participants to either exchange information with one another, or to be informed of all sets of lottery numbers entered into a lottery by respective pool participants, prior to the lottery drawing. Luciano and Yacenda both emphasize arrangements wherein respective players act individually and independently of one another. Luciano for example, at column 1, lines 47-49, teaches an embodiment wherein players use displays that are remote from one another. Clearly, these arrangements neither need nor suggest any reason for exchange of information between different players prior to a lottery drawing.

The Byrne patent likewise neither requires, nor suggests any reason for, communication between players before a game thereof takes place. Each player enters a collateral game in complete independence of all other players. Accordingly, there is no need

for contact or exchange of information between individual players, either in regard to numbers that are entered or any other matter, before the collateral game takes place.

In regard to the third distinguishing feature of Applicants' Claim 1, as set forth above, it is clear that neither Luciano nor Yacenda discloses or suggests that winning amounts are to be shared among two or more players. Accordingly, neither reference suggests Applicants' Claim 1 notification interface, as such interface is now recited.

As for the Byrne reference, respective examples thereof each discloses a game in association with "standard" game. Byrne teaches that a winning event occurs in a collateral game only when some individual wins the associated standard game. Byrne teaches further that while the collateral jackpot may be shared among a number of people, the winning standard game jackpot is not shared, and goes to one person only. This teaching is emphasized in Byrne, such as at column 3, lines 19-20, wherein it is stated that "One person wins the standard 9/9 jackpot." Thus, Byrne teaches away from the Claim 1 recitation of a notification interface configured to notify each of a plurality of pool participants that they are each entitled to share in all amounts to be paid out as the result of a winning event, that is, a given set of lottery numbers being drawn as a winning set.

Applicants' Claims 2-14 respectively depend from independent Claim 1, and are each considered to patentably distinguish over the art for the same reasons given in support thereof.

Claim 2 is additionally considered to distinguish over the art in reciting a participant interface that includes a lottery pool creation module to allow pool participants to create new lottery pools. In all the arrangements shown in Luciano, Yacenda and Byrne, lottery players or participants merely join an existing lottery or other gaming activity. None of these references anywhere teaches or suggests that a participant can create a lottery pool, as recited in Applicants' Claim 2 and as clearly taught in Applicants' specification, such as at page 5, lines 11-24 and page 16, lines 1-8.

Claim 3 is additionally considered to patentably distinguish over the cited references in reciting a participant interface including a ticket entry module that allows pool participants to change ticket numbers that were entered previously. This feature is disclosed in the application, such as at page 11, lines 18-21. None of the cited references, either alone or in any combination is considered to show or suggest this recited feature in the over-all combination of Claim 3.

Claim 4 is additionally considered to patentably distinguish over the cited references in reciting a system wherein the plurality of pool participants are each members of a club disposed to participate in a number of successive lotteries, and wherein the participant interface includes a history module allowing pool participants to track the history of numbers chosen and played by pool participants in one or more previous lotteries.

Claim 4 is considered to further distinguish over the art in reciting that the notification interface is configured to notify each of the club members when a lottery reaches a specified jackpot level. This feature, disclosed in Applicants' specification such as at page 13, lines 16-19, are not shown or any of the cited prior art references, or any combination thereof.

Each of the independent claims 15, 23 and 30, as amended, recites the third distinguishing feature of Applicants' Claim 1 set forth above. That is, each of the claims 15, 23 and 30 recites notifying each of a plurality of pool participants that they are each entitled to share in every amount that is to be paid out as the result of a given set of lottery numbers being drawn as a winning set. Accordingly, each of the claims 15, 23 and 30 is considered to patentably distinguish over the art, including the three cited references, for at least some of the reasons given in support of Claim 1.

Claim 15 is additionally considered to distinguish over the art in reciting the features of limiting the total number of admitted pool participants to a maximum number selected by a pool participant designated as pool master, and contributing one or more sets of lottery numbers to the lottery pools which are selectively contributed either by the pool master, another pool participant or by different pool participants. These features are disclosed in

Applicants' specification, such as at page 15, lines 16-24 and page 16, lines 1-8. Applicants consider that neither Luciano, Yacenda nor Byrne in any discloses or suggests these features. Clearly, none of these references in any way suggests that a game participant has authority to limit the total number of participants to a maximum number selected by him or her.

Claims 16-22 respectively depend from Claim 15, and are each considered to patentably distinguish over the prior art for the same reasons given in support thereof.

In addition, Claim 18, as amended, is considered to distinguish over the art in reciting that the group of pool participants is to be limited to the pool master and to others receiving from the pool master an invitation to join the group, and a password for accessing a related system. These features, disclosed for example at page 16, lines 6-8, are not shown or suggested in any of the cited art, or in any combination thereof.

Claims 24 and 29 respectively depend from Claim 23, and are each considered to patentably distinguish over the prior art for the same reasons given in support thereof.

Claim 31 depends from claim 30, and is considered to patentably distinguish over the prior art for the same reasons given in support thereof.

Added Claims 45-48 are very similar to Claims 1-4, respectively, prior to the amendments now made thereof, except for certain features recited by Claim 45. More particularly, in Claim 45 each lottery is limited to only a single elective participation event, and the lottery interface is configured to recognize that a winning event has occurred when a given set of lottery numbers is drawn as the winning set for the single elective participation event of the corresponding lottery. A lottery is limited to a single elective participation event when it has only one associated event that players can participate in by deliberately electing or choosing to do so.

The features recited above, in the over-all combination of Claim 45, are considered to patentably distinguish Claim 45 over each of the three cited references, including the Byrne reference. In contrast to the recitation of Claim 45, Byrne teaches a gambling game that requires two or more elective participation events. Byrne provides numerous examples of

gambling games, including Keno, that all have this characteristic. Thus, in Example 1 of Byrne, a player can elect to participate in a standard game, and can also elect to participate in one of a number of collateral or divisional games.

Byrne refers to a lottery type game at col. 13, lines 5-15. However, an essential teaching of such reference at col. 13, lines 5-15 is that a lottery game must be adapted to provide, in addition to the standard game, smaller divisional events that players can elect to participate in. Applicants consider that such teaching of Byrne teaches away from the Claim 45 recitation of each lottery being limited to a single elective participation event.

CONCLUSION

In light of the arguments set forth above, Applicants respectfully submit that the application is now in allowable form. Accordingly, Applicants respectfully request consideration and allowance of the currently pending claims.

This amendment does not increase the total number of claims, and does not present any multiple dependency claims. However, this amendment does increase the total number of independent claims from four (4) to five (5). Accordingly, a check in the amount of FORTY-THREE AND NO/100 (\$43.00) DOLLARS is enclosed to cover the fee for the one (1) additional independent claim. If any additional fees are due at this time, Applicants hereby authorize the Commissioner to charge any fees, other than the issue fees, that may be required by this paper to Deposit Account No. 07-0153.

The Examiner is respectfully requested to call Applicants' Attorney for any reason that would advance the current application to issue. Please reference Attorney Docket No.122923-1000.

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Respectfully submitted,

GARDERE WYNNE SEWELL LLP


James O. Skarsten

Registration No. 28,346

ATTORNEY FOR APPLICANTS

3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
(214) 999-4436 - Telephone
(214) 999-3623 - Facsimile